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R E M A R K S

Applicant wishes to thank the Examiner for considering the present application. In the Office Action dated April 22, 2005, claims 1-15 are pending in the application. Applicant respectfully requests the Examiner to reconsider the following rejections.

Claims 1 and 13 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner states, "Regarding claims 1 and 13, the specification discloses inserting a digital video stream within a vertical blanking interval in paragraph 0047 and Figs. 4 and 5. However, in the cable television art, the vertical blanking interval does not have sufficient bandwidth to carry a video stream." First, the present application is for over-the-air broadcasting signals. Each of the claims contains over-the-air as a limitation and thus, the Examiner's reference to the cable television art is not applicable. Further, Fig. 5 specifically recites frame grabber software 126. The frame grabber software is the opposite of the VBI bridge hardware 114. The VBI bridge hardware 114 as stated in paragraph 0047, provides vertical blanking interval software which is used to superimpose the compressed digital signal on to the vertical blanking interval of the broadcast television signal. Since it is known where the vertical blanking interval of the broadcast television signal is, the frame grabber software is used to remove the digital signal therefrom. The digital signal may be performed using various filtering techniques since the over-the-air broadcast signal is an analog signal and the superimposed signal is a digital signal. Thus, filtering techniques may be used. Paragraph 0048 specifically describes the mobile device 122 that includes the frame grabber software. Of course, Figs. 6, 7, and 9 also illustrate the frame grabber and decompression software. The type of superimposition and the type of frame grabbing software depend on the technique used for providing the digital signal thereon. Therefore, Applicant respectfully submits that sufficient disclosure has been provided to enable one skilled in the art to practice the invention.

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Claims 1 and 13 stand rejected to under 35 U.S.C. §102(e) as being anticipated by *Kim* (6,556,248). Claim 1 is directed to a portable user appliance that receives a digital video stream embedded in a vertical blanking interval of a broadcast signal. Claim 1 includes a television tuner, a vertical blanking interval frame grabber for receiving the digital video stream, a digital decompressor for decompressing the video stream into a decompressed video stream, and a display displaying the decompressed video stream. Although the *Kim* reference specifically recites using the vertical blanking interval, no vertical blanking interval frame grabber is taught or suggested. Also, the *Kim* reference does not teach or suggest decompression software. Applicant has reviewed the entire specification and can find no teaching for compressing or decompressing a digital signal. Applicant therefore respectfully requests the Examiner to reconsider this rejection.

Claim 13 is similar to claim 1 and is also believed to be allowable for the same reasons. That is, because no vertical blanking interval frame grabber or a digital decompressor is illustrated, each and every element has not been shown by the Examiner.

Claims 7 and 15 stand rejected under 35 U.S.C. §102(e) as being unpatentable over *Shintani* (6,661,472). Claim 7 recites a portable user appliance for receiving a digital video stream embedded in excess bandwidth of an over-the-air digital broadcast television signal. The television tuner receives the over-the-air digital broadcast signal and an excess bandwidth frame grabber receives the digital stream therein. A digital decompressor decompresses the digital video stream into a decompressed video stream and a display displays the decompressed video stream. The *Shintani* reference specifically mentions various numbers of channels whether they are primary or virtual channels. However, the *Shintani* reference never mentions excess capacity. The Examiner refers the Applicant to Col. 1, lines 18-29. Applicant agrees that virtual channels are described. However, Applicant can find no teaching or suggestion for the virtual channels being provided in the excess bandwidth of an over-the-air digital

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broadcast television signal. Applicant therefore respectfully requests the Examiner to reconsider this rejection.

Claim 15 has similar limitations with respect to the excess bandwidth of a digital broadcast signal. Applicant therefore respectfully submit that claim 15 is allowable for the same reasons set forth above with respect to claim 7.

Claims 2, 3, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kim* in view of *Cho* (5,760,848). Although the *Cho* reference illustrates a video monitor that is portable and has a cradle, no teaching or suggestion is provided in the *Cho* reference for the elements missing from the *Kim* reference. Applicant therefore respectfully requests the Examiner to reconsider the rejection of claim 2.

Likewise, claim 3 recites a cradle. Applicant respectfully submits that although *Cho* shows a cradle, no teaching or suggestion is provided for the missing elements from the *Kim* reference.

Claim 14 recites utilizing an automobile antenna to receive the over-the-air broadcast signals. The Examiner states that *Cho* reference illustrates an automobile antenna. However, although the antenna of the device is within the automobile, no automobile antenna is illustrated. That is, the antenna illustrated in *Cho* is merely the device antenna and not an automobile antenna. Applicant therefore respectfully requests the Examiner to reconsider this rejection as well.

Claim 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kim* in view of *Cho* in further view of *Rudolph* (5,949,498). Although the *Rudolph* reference illustrates a diversity antenna system, no teaching or suggestion is provided in *Rudolph* for providing a digital decompressor that receives a signal from a vertical blanking interval of a broadcast television signal. Applicant therefore respectfully requests the Examiner to reconsider this rejection as well.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Kim*

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in view of *Leermakers* (2003/0105845). The *Leermakers* reference also does not teach or suggest the elements missing from the *Kim* reference. Applicant therefore respectfully requests the Examiner to reconsider this rejection as well.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Kim* in view of *Yang* (6,529,742).

Claim 6 depends from claim 1 and recites that the tuner and frame grabber are coupled within a cellular telephone. Applicant respectfully submits that the *Yang* reference also does not teach or suggest a digital decompressor for decompressing a digital video stream that arrived through a vertical blanking interval of a broadcast television signal. Applicant therefore respectfully request the Examiner to reconsider this rejection as well.

Claims 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Shintani* in view of *Cho*.

Claims 8 and 9 depend from claim 7. Claims 8 and 9 are similar to claims 2 and 3 above. The *Cho* reference also does not teach or suggest excess bandwidth. Applicant therefore respectfully request the Board to reconsider the rejection of claims 8 and 9.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Shintani* in view of *Cho* in further view of *Rudolph*.

Claim 10 is similar to claim 4. The *Rudolph* reference does not teach or suggest utilizing the excess bandwidth of a digital over-the-air broadcast television system. Applicant therefore respectfully request the Examiner to reconsider the rejection of claim 10 as well.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Shintani* in view of *Cho* in further view of *Rudolph* in further view of *Leermakers*. The *Leermakers* reference also does not teach or suggest the use of excess bandwidth of a signal. Applicant therefore respectfully request the Examiner to reconsider the rejection

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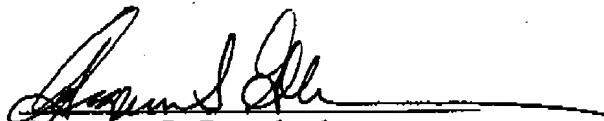
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of claim 11.

Claims 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Shintani* in view of *Yang*. Applicant respectfully submits that the *Yang* reference also does not teach using the excess bandwidth for transmitting a digital broadcast television signal. Applicant respectfully requests the Examiner to reconsider this rejection as well.

In light of the above remarks, Applicant submits that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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